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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,201	06/29/2001	Daniel M. Dias	YOR920010401US1	7571
7590	04/29/2005		EXAMINER	
Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11562			PHUNKULH, BOB A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,201

Applicant(s)

DIAS ET AL.

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 8-10, 12, 15-20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuznetsov (US 6,772,413).

Regarding claim 1, Kuznetsov discloses a method of communicating between two business entities, each of the business entities utilizing a different communication protocol, wherein a business conversation is established between the entities, the method comprising the steps of:

providing a business-to-business (B2B) protocol exchange for facilitating communications between the business entities, the B2B protocol exchange being operatively connected to the business entities;

receiving, at the B2B protocol exchange, a message from one of the business entities in a first communication protocol; translating the received message in the first communication protocol into a translated message in a second protocol used by another of the business entities; and

sending the translated message to the other business entity (col. 7 lines 63 to col. 8 line 19).

Regarding claim 2, Kuznetsov discloses translating the received message is based on information included in one or more prior messages received by the B2B protocol exchange during the business conversation (the FMRED is build based on prior messages, see col. 11 lines 39-56; and figure 6).

Regarding claim 3, Kuznetsov discloses storing information relating to the business conversation, the information being used for translating a subsequent message (the FMRED is build based on prior messages, see col. 11 lines 39-56; and figure 6).

Regarding claim 5, Kuznetsov discloses translating the received message further comprises the steps of: determining a protocol of a target business entity; and translating the received message into the target business entity protocol (see col. 7 line 10-22).

Regarding claim 8, Kuznetsov discloses a business-to-business (B2B) framework including a plurality of business entities, a protocol exchange (a communication network operating in B2B environment is equipped with a translator) operatively connected to the business entities, the protocol exchange comprising:

at least one processor operative to: (i) receive a message from one of the business entities in a first communication protocol; (ii) translate the received message in the first communication protocol into a translated message in a second protocol used by another of the business entities; and (iii) send the translated message to the other business entity; and

memory coupled to the at least one processor, which stores information relating to at least one of the business entities and a business conversation established between two or more business entities in the B2B framework (col. 7 lines 63 to col. 8 line 19).

Regarding claim 9, Kuznetsov discloses the operation of translating the received message is based on information included in one or more prior messages received by the protocol exchange during the business conversation (the FMRED is build based on prior messages, see col. 11 lines 39-56; and figure 6)..

Regarding claim 10, Kuznetsov discloses the at least one processor is further operative to: (iv) store information relating to the business conversation, the information being used for translating a subsequent message (the FMRED is build based on prior messages, see col. 11 lines 39-56; and figure 6).

Regarding claim 12, Kuznetsov discloses the at least one processor is further operative to: (iv) determine a protocol of a target business entity; and (v) translate the

received message into the target business entity protocol (see col. 7 line 10-22).

Regarding claim 15, Kuznetsov discloses a business-to-business (B2B) system comprising:

a plurality of business entities; and at least one protocol exchange (a communication network operating in B2B environment is equipped with a translator) operatively connected to the business entities, the at least one protocol exchange receiving one or more messages from a first business entity communicating in a first protocol and translating the received messages into at least a second protocol corresponding to one or more other business entities (col. 7 lines 63 to col. 8 line 19).

Regarding claim 16, Kuznetsov discloses the business entities are operatively connected to the protocol exchange via one or more networks (see col. 7 lines 63-66).

Regarding claim 17, Kuznetsov discloses the protocol exchange translates the received messages using information included in one or more prior messages received by the protocol exchange during a business conversation between two or more of the business entities (the FMRED is build based on prior messages, see col. 11 lines 39-56; and figure 6).

Regarding claim 18, Kuznetsov discloses an article of manufacture for communicating between two business entities, each of the business entities utilizing a

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different communication protocol, wherein a business conversation is established between the entities, the article of manufacture comprising a machine readable medium containing one or more programs which when executed implement the steps of:

receiving a message from at least one of the business entities in a first communication protocol;

translating the received message in the first communication protocol into a translated message in a second protocol used by another of the business entities; and

sending the translated message to the other business entity (col. 7 lines 63 to col. 8 line 19).

Regarding claim 19, Kuznetsov discloses the step of translating the received message is based on information included in one or more prior messages received during the business conversation (the FMRED is build based on prior messages, see col. 11 lines 39-46 and figure 6).

Regarding claim 20, Kuznetsov discloses storing information relating to the business conversation, the information being used for translating a subsequent message (the FMRED is build based on prior messages, see col. 11 lines 39-46 and figure 6).

Regarding claim 22, Kuznetsov discloses translating the received message further comprises the steps of: determining a protocol of a target business entity; and

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translating the received message into the target business entity protocol (see col. 7 line 10-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6-7, 11, 13-14, 21, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuznetsov.

Regarding claims 4, 6-7, 11, 13-14, 21, 23-24 Kuznetsov fails to disclose identifying a postback universal resource locator (URL) associated with a target business entity; and sending the translated message to the postback URL; and storing the postback URL associated with the target business entity.

Au, on the other hand, discloses the information in various data files is formatted for presentation to a user by a standard page description language, the Hypertext Markup Language (HTML). In addition to basic presentation formatting, HTML allows developers to specify "links" to other Web resources identified by a Uniform Resource Locator (URL). A URL is a special syntax identifier defining a communications path to specific information. Each logical block of information accessible to a client, called a "page" or a "Web page", is identified by a URL. The URL provides a universal,

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consistent method for finding and accessing this information, not necessarily for the user, but mostly for the user's Web "browser" (see paragraph 6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made includes the teaching of Au in the system taught by Kuznetsov in order to take advantage of commonly employed method of transferring data over the Internet.

Conclusion

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bob A. Phunkulh

 **BOB PHUNKULH**
PRIMARY EXAMINER

TC 2600
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April 26, 2005